

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Claude Payne,

Petitioner(s),

vs.

Warden, Lebanon Correctional Institution,

Respondent(s).

Case Number: 1:11cv193

Chief Judge Susan J. Dlott

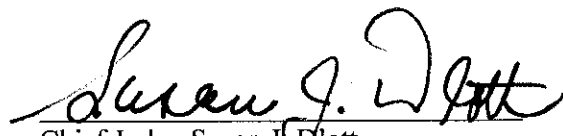
ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 29, 2012 a Report and Recommendation (Doc. 16). Subsequently, the petitioner filed objections to such Report and Recommendation.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, the Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED** with prejudice. If Petitioner seeks to appeal, he is granted a certificate of appealability on the first ground for relief, given that it is grounded in confessed deficient performance by counsel. Reasonable jurists would not disagree with the disposition on the second ground for relief and no certificate is allowed on that ground.

IT IS SO ORDERED.

  
Chief Judge Susan J. Dlott  
United States District Court